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TOWN OF THORNTON
 PLANNING BOARD

Approved on: 6-27-22
 PB Initials: NAD
 Rec'd by Town Clerk on: 6/28/22
 Town Clerk Initials: ACR

Planning Board Meeting Minutes
 May 19, 2022

CALL TO ORDER – PLEDGE OF ALLEGIANCE:

Vice Chairman Babin called the meeting to order at 6:00 p.m.

ROLL CALL:

Members present at Town Hall: Nancy Decoteau, Chairman (via Zoom); Steven Babin, Vice-Chairman, Frank Freeman, Donna O'Donnell, Peter Laufenberg, Dave Rivers, Karen Waters, Kathy Menici, Planning Director; Kerrin Randall, Board Assistant

Members Absent: Jack Gaites

Alternates present at Town Hall: Cynthia Schofield

Others present via call-in (names are as they appeared via Zoom): Richard & Sandy Linck, Scott, Tiffany Lund, Mike Trainor

Others present at Town Hall: Kevin McKenna, Charles Rowley, Brad McCoil, Chad Stocker, Jerry Warren, John LaMare, Ralph Wilks, Tom Duffield

As Ms. Decoteau was attending via Zoom, she asked Mr. Babin to serve as Chair. Ms. Decoteau commented that she will not be participating as a voting member and asked that an Alternate be sat as a voting member. Ms. Schofield was seated as a voting member.

APPROVAL OF MINUTES:

Upon distribution and review of the meeting minutes of April 21, 2022 Meeting, the members took the following action:

MOTION: "To accept and approve the meeting minutes of the Thursday, April 21, 2022 meeting as presented."

Motion: D. O'Donnell

Second: F. Freeman

Discussion: None

Vote: 6 YES - 0 NO - 1 ABSTAIN

Motion passes.

Mr. Babin questioned why a draft copy of the April 21, 2022 meeting minutes was given to the BOS before being approved and asked if a 91-A request had been submitted, as he was told by town staff that a 91-A request is required to obtain meeting minutes.

Ms. Randall clarified draft minutes and/or agendas have always been available to the BOS and the public before being approved, should they choose to review them; this has been standard practice. Mr. Laufenberg confirmed that there is a correspondence folder for Planning and Zoning that the BOS receives to keep them apprised of what is upcoming or has already happened at other meetings of the boards.

Ms. Menici commented that anyone can review draft minutes prior to approval by a board and 91-A request does not need to be filled out to review them. Mr. Babin commented he wants to ensure that the Board is comfortable with this process because, though it's traditionally done, he feels that a request should be made by the BOS to receive draft minutes.

Mr. Freeman felt that an issue was being created where one does not exist, and the Board took no further action regarding the distribution of draft minutes.

PRELIMINARY BUSINESS:

1. Master Plan Committee Update

Ms. O'Donnell stated there will be a meeting on Monday, May 23, 2022 at 6:00 p.m. with volunteers who responded to the ads posted on the town website and Facebook page; she and Ms. Schofield will facilitate the meeting.

2. Telecommunications Ordinance Discussion

The Board reviewed the Telecommunications Ordinance with suggested edits from Board Counsel. Mr. Laufenberg asked why this was up for discussion at this time and Ms. Decoteau commented that following the Vertex Tower application, it was discovered that some items were out of date, as the ordinance was adopted in 2001. She asked the Board if they wanted to update the ordinance or leave it as is, understanding that possible changes and updates would be made at a later date. Mr. Babin commented the processes needed to be reviewed and addressed and discussion continued.

Mr. Laufenberg asked what the process for amending the ordinance was, and Planner Menici stated changes made would need to be approved at Town Meeting. Planner Menici commented that once a public hearing is held at the Planning Board level for a zoning amendment and that amendment is approved and posted as a proposed change, it becomes effective until such a time that it is voted down at Town Meeting. She stated she will check with NHMA to see if there is a limit on the amount of time prior to Town Meeting that a proposed change can be in effect.

Mr. Babin asked if a public hearing could be scheduled for the June meeting to review and amend the ordinance with proposed changes from counsel. Ms. Decoteau stated that a public hearing could be scheduled to go over the proposed changes from counsel.

MOTION: "To schedule a public hearing on June 16, 2022 for proposed revisions to the Telecommunications Ordinance from Planning Board Counsel."

Motion: S. Babin

Second: P. Laufenberg

Discussion: Mr. Freeman asked if the hearing was only for the proposed revisions from Counsel, and Mr. Babin stated yes, but other portions of the ordinance can be discussed.

Mr. Laufenberg commented that the proposed revisions from Counsel are a starting point for reviewing the ordinance in more detail.

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

3. Update – Revisions to Site Plan Review and Subdivision Regulations

Planner Menici stated she has reviewed the regulations and the revisions before the Board reflect formatting only, not content. She commented that if content is to be changed, a public hearing needs to be held and the Board can post the revised regulations for the public. She asked that the Board review the documents to see if the formatting is acceptable, and she will provide the Board with a memo listing the inconsistencies in the documents that would need updating; this will also make both sets of regulations consistent with each other.

Mr. Babin asked that all PDF documents on the website, including the Zoning Ordinance, be formatted to searchable OCR files to make finding information within the documents more user friendly. Ms. Randall will look into converting the files to be searchable.

COMMUNICATIONS:

1. Alternate Resignation

Mr. Babin reviewed a letter of resignation submitted by Gloria Kimball as alternate to the Planning Board.

MOTION: "To accept the resignation of Gloria Kimball as alternate to the Planning Board."

Motion: P. Laufenberg

110 **Second:** F. Freeman

111 **Discussion:** The Board expressed their gratitude to Ms. Kimball for her years of service to the Board as
112 both a member and alternate.

113 **Vote:** 7 YES - 0 NO - 0 ABSTAIN

114 **Motion passes.**

115
116 **MOTION:** "To send an appropriate gift of thanks to Gloria Kimball in the form of a \$100.00 gift card to a
117 restaurant TBD."

118 **Motion:** P. Laufenberg

119 **Second:** F. Freeman

120 **Discussion:** The Board suggested the gift card be to a local restaurant and will update Ms. Randall of
121 where to get the card from.

122 **Vote:** 7 YES - 0 NO - 0 ABSTAIN

123 **Motion passes.**

124
125 **HEARINGS:**

- 126 1. APPLICATION/PUBLIC HEARING – Site Plan Review: Business Office - Diamond Ledge
127 Road; Mike Trainor [Map 15; Lot 4-40].

128 The Board reviewed the application submitted and Mr. Trainor reviewed that he owns and runs a business that
129 will have its office in his home once the home is built. The home will be his primary residence, and he will not be
130 meeting with clients or having deliveries made to the office.

131
132 Mr. Laufenberg questioned why Mr. Trainor needs to come before the Board to have his business office in his
133 house if he is not using the office to meet with clients or receiving deliveries for the business there; his
134 neighborhood will not be affected by having his business office there. Mr. Trainor clarified he is a registered in
135 New Hampshire as a corporation, and he wants to ensure that everything is above board to have his business
136 office in his home.

137
138 Mr. Laufenberg thanked Mr. Trainor for wanting to be above board, but he is struggling with understanding why
139 home-based businesses need to register with the Town, as he runs a home-based business and didn't know he had
140 to register. He commented several other residents are probably doing the same and are unaware that they need to
141 register. Mr. Freeman clarified some businesses require approval because of the zones where the home is located.

142
143 Mr. Laufenberg asked that this topic be revisited at a later date, as more people have home business offices as a
144 result of COVID-19 and may not be aware that they need to register.

145 **MOTION:** "To accept the application as complete."

146 **Motion:** S. Babin

147 **Second:** F. Freeman

148 **Discussion:** None

149 **Vote:** 7 YES - 0 NO - 0 ABSTAIN

150 **Motion passes.**

151
152 Mr. Babin opened the public hearing at 6:37 p.m. and asked for public comments; there were none and the public
153 hearing was closed.

154 **MOTION:** "To approve the Site Plan Review: Business Office - Diamond Ledge Road; Mike Trainor [Map
155 15; Lot 4-40]."

156 **Motion:** F. Freeman

157 **Second:** D. O'Donnell

158 **Discussion:** Planner Menici stated staff has no concerns with the application as submitted.

159 **Vote:** 7 YES - 0 NO - 0 ABSTAIN

160 **Motion passes.**

161
162 Mr. Trainor thanked the Board for their time and a notice of decision will be sent.
163

2. Continued APPLICATION/PUBLIC HEARING – Boundary Line Adjustment: Mill Brook Road; Kilmer New Hampshire Holdings [Map 8; Lot 11-02, Lot 11-03, Lot 11-2F].

Mr. Babin reviewed the application was continued from April as there was a notification error. The Board reviewed the application.

MOTION: “To accept the application as complete.”

Motion: F. Freeman

Second: P. Laufenberg

Discussion: None

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

Mr. Babin opened the public hearing at 6:41 p.m. and asked for public comments; there were none and the public hearing was closed.

MOTION: “To approve the Boundary Line Adjustment: Mill Brook Road; Kilmer New Hampshire Holdings [Map 8; Lot 11-02, Lot 11-03, Lot 11-2F].”

Motion: K. Waters

Second: P. Laufenberg

Discussion: Planner Menici stated staff has no concerns with the application as submitted.

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

Mr. Kilmer commented that the Highway Department should be commended on their maintenance of Mill Brook Road, as he has not seen it in better condition than it is now in the 40 years he has lived there. Mr. Kilmer thanked the Board for their time and a notice of decision will be sent.

3. Continued APPLICATION/PUBLIC HEARING – Amendment to Previously Approved Site Plan: Convert from one (1), one-bedroom unit to two (2), one-bedroom units; one upper unit and one lower unit in each building. - Lafayette Road, Sunrise Nanos J, K, L; LCJ Holdings, LLC [Map 16, Lot 01-7SRCO].

Mr. Babin reviewed that Attorney Hastings requested to continue the public hearing to the June 16, 2022 meeting. Mr. Stocker and Mr. McCoil were present and submitted an amended plan for parking, as they were told that was the only concern for the site plan amendment. Planner Menici clarified that there were other concerns that came to light as a result of the previous meeting and Mr. Stocker stated he was not at the April meeting and was unaware of additional concerns.

Planner Menici commented that adding additional parking is a step in the right direction for Owl’s Nest, as it is a major concern. Discussion on additional parking being added continued, and Mr. Laufenberg suggested that a larger discussion on parking be held at a later date as the application in question has been asked to be continued.

MOTION: “To continue the APPLICATION/PUBLIC HEARING – Amendment to Previously Approved Site Plan: Convert from one (1), one-bedroom unit to two (2), one-bedroom units; one upper unit and one lower unit in each building. - Lafayette Road, Sunrise Nanos J, K, L; LCJ Holdings, LLC [Map 16, Lot 01-7SRCO] to the June 16, 2022 meeting.”

Motion: P. Laufenberg

Second: D. O’Donnell

Discussion: Mr. Stocker stated he could speak to the amended site plan without Attorney Hastings present, and Planner Menici clarified that Mr. Warzocha indicated that he would be speaking with Owl’s Nest to address the concerns of the Board from the April meeting, and nothing has been submitted yet to review; parking was not the only concern.

Mr. Babin questioned why parking was a concern in a private community and Planner Menici clarified that the Site Plan and Subdivision Regulations address parking requirements for life safety concerns with emergency vehicles being able to access the community.

A lengthy discussion on parking availability and shuttling guests from overflow parking areas to part of the resort continued. The topic of waiver requests was also discussed.

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

Mr. Babin reviewed that, should the Board agree, he would like to allow anyone from the public who is here for the hearing to speak. Mr. Babin clarified that comment will be allowed, but no response will be given; there was no opposition from the Board in allowing for comment to be given.

Mr. Rowley, abutter, questioned how the new buildings were going to accommodate another, separate unit as they are very small. He expressed concern with parking and stated there are cars parked on the street and on lawns every weekend. Mr. Babin commented that should questions arise about the aesthetic of the building, perhaps he should speak to Owl's Nest for clarification or review the public record file that was submitted.

Mr. McKenna, abutter, clarified that any plans submitted are available to the public, and Mr. Babin stated yes. No further discussion occurred.

3. PUBLIC HEARING – Land Dedication Agreement with Owl's Nest

MOTION: "To continue the PUBLIC HEARING – Land Dedication Agreement with Owl's Nest to the May 19, 2022 meeting."

Motion: P. Laufenberg

Second: K. Waters

Discussion: None

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

OTHER BUSINESS

1. Preliminary Consultation: Tom Duffield as agent for Gerald Warren [Map 16, Lot 2-8] Pemi River Campground Expansion Plan.

Tom Duffield presented an amended plan to the one previously brought before the Board to expand the Pemi River Campground. The new plan before the board for consultation has reduced to 38 sites, keeping 250 feet of shoreline that they have noticed to NHDES, and natural walking paths will be maintained.

Ms. O'Donnell asked where access to the new sites would be, and Mr. Duffield stated they would be accessed through the existing campground, with an alternate emergency access at the NHDOT rail crossing that will be gated when not being used.

Ms. Schofield commented that abutters were opposed to the previous plan for multiple reasons and asked what the new plan will look like in terms of noise and views. Mr. Duffield stated some cleanup of rotted trees and stumps will need to be done, but with the 250-foot buffer from the river being proposed, abutters will not be able to see the sites with the leaves on the trees.

Mr. Laufenberg asked if any other heavy equipment will be needed to clean up the area, as the Town received several complaints last year. Mr. Warren commented there are a few dead trees that will need to be removed and stumps cleaned up from the previous clearing.

Ms. Schofield asked how occupancy at the campground is controlled and Mr. Warren stated it is done by the size of the lot and regulations on the size of campgrounds is determined by the State. Mr. Rivers commented the revised plans seem to reflect and address concerns from abutters that were brought up.

Mr. Babin asked for any additional comments, and there were none. Mr. Duffield and Mr. Warren thanked the Board for their time.

2. Short-Term Rental Preliminary Discussion

Planner Menici stated she is looking for direction from the Board with how to proceed. She reviewed as it stands now any short-term rental would be subject to site plan review, and that would become burdensome for the type of project.

Planner Menici stated the biggest concern with short-term rentals is safety; does the property have working smoke detectors, parking, CO detectors, snow removal, etc. She commented some towns have implemented a permitting procedure to make the town aware of the rental and those permits include proof of safety measures in place. Planner Menici handed out examples of short-term rental permits from other towns.

Mr. Freeman commented he agrees with the permit process, as it will ensure that any short-term rental will have adequate safety measures in place. Planner Menici commented that the State has determined that short-term rentals are a non-residential use, making the use subject to Site Plan Review unless the Board adopts specific regulations.

A lengthy discussion on the need for regulations were necessary and if so, how they would be enforced. Ms. Waters asked if a process is put in place, and only some people adhere to the regulations, how do we know that others are violating it. Mr. Laufenberg stated the Town does not go looking for violations, but should a resident submit a formal complaint, the Zoning Compliance Officer (ZCO) is sent to investigate.

Mr. Babin stated that concerned citizens should not go to the Town, but rather to the regulatory company of the rental; if enough negative comments are given, the site will remove the listing. He stated the BOS hired someone to enforce regulations, and they (BOS) are not being held accountable and serving in an unlicensed regulation position. Mr. Babin repeated that the regulatory companies advertising short-term rentals have regulations in place and they should be the ones enforcing rules and if the Town needs to send out enforcement for the Planning Board, it will cost the Board money. He stated the Planning Board is the only volunteer board and the BOS is getting paid and not being held accountable to enforcement.

Ms. Schofield stated that if there is a concern with renters by neighbors, the police need to be called. Mr. Freeman added that asking for a permit will not create a need for additional regulations, but will ensure that the rental is safe, and protect homeowners. Should issues arise at the property after the permit is received, the police would need to respond, not the Board. Discussion on the current process for violation enforcement continued.

Mr. Rivers questioned why Planner Menici did not consult the Short-Term Rental Committee with the example permits and Planner Menici stated there was no committee formed, only the discussion of if that was how the Board wanted to move forward. Mr. Rivers commented that committees are formed to solve a problem, and there was no reason to ignore the volunteers who agreed to serve on a committee. Planner Menici reiterated that no such committee was formally created, and with no action taken, staff gathered the information requested on short-term rentals for review. Mr. Rivers disagreed, saying he believed that a committee was indeed formed.

MOTION: "To create a committee for the exploration of creating short-term rental regulations."

Motion: S. Babin

Second: P. Laufenberg

Discussion: The committee will include Ms. O'Donnell and Mr. Rivers. An update will be given at the June meeting.

Vote: 5 YES - 0 NO - 2 ABSTAIN

Motion passes.

3. Update on Posting Video of Meetings

MOTION: "To provide video recordings of Planning Board meetings for public access."

Motion: S. Babin

Second: P. Laufenberg

Discussion: Planner Menici provided comment from legal counsel in her Planner Review memo regarding the posting of video recorded meetings.

Mr. Freeman, while not against the idea, asked why this was a good idea. Mr. Babin stated it is the absolute right of a citizen to come and record video of a meeting according to the State. He stated that currently the town provides video access but doesn't provide a recording of the video and he feels that this is obstructing an easy way for people to exercise their right to review a meeting if they cannot attend.

Mr. Babin commented that frivolous and problematic lawsuits can be avoided if recordings of meetings were available. He further commented that the Town is providing video access to meetings on ZOOM but making it difficult for people to utilize the technology if they are not able to attend live.

Mr. Laufenberg commented that he is a huge proponent of transparency, and if there is an opportunity to be more transparent it should be utilized.

Mr. Rivers asked how long a recording would be available if posted online and Mr. Babin stated it would be public domain and kept forever if posted on YouTube. Mr. Laufenberg commented that there will be some nuances to be worked out, but the topic at hand is whether the Board wants to pursue recording and posting meetings.

Ms. Decoteau reviewed that she is not against posting meeting recordings, but before action is taken, the BOS should be informed that the Planning Board wants to do this, and Mr. Babin commented that what is being proposed is that the Planning Board become loyalists to the BOS; the BOS has said they are not in favor of recording meetings in the past.

Ms. Decoteau stated the BOS should express their thoughts on recording meetings in a public meeting, and the Planning Board needs to respectfully communicate their wishes to the BOS to record and post meetings.

Vote: 5 YES - 0 NO - 2 ABSTAIN

Motion passes.

Ms. Decoteau reviewed that a majority of the Board wishes to move forward in recording and posting meetings for public access.

MOTION: "Implementation of recording Planning Board meetings and providing public access to occur following the Chair meeting with the BOS for input."

Motion: S. Babin

Second: P. Laufenberg

Discussion: Ms. Decoteau will ask to be placed on a BOS agenda to relay the Board's decision.

Vote: 6 YES - 0 NO - 1 ABSTAIN

Motion passes.

ADJOURNMENT:

MOTION: "To adjourn at 9:00 p.m."

Motion: S. Babin

Second: F. Freeman

Discussion: None

Roll Call Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

Respectfully Submitted,

Kerrin Randall, Board Assistant